

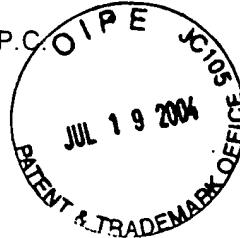


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,323	12/30/2003	Stefan M. Pulst	3350.1000-005

021005
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
 530 VIRGINIA ROAD
 P.O. BOX 9133
 CONCORD, MA 01742-9133



CONFIRMATION NO. 4927

FORMALITIES LETTER



OC000000012675514

Date Mailed: 05/17/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

07/21/2004 BABRAHA1 00000107 10750323

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1202	378.00 OP
04 FC:1201	946.00 OP

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1324** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

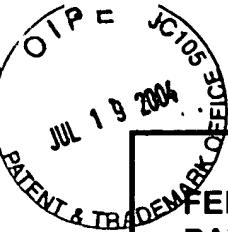
Total additional fee(s) required for this application is **\$2224** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1324**
 - **\$946** for **11** independent claims over 3.
 - **\$378** for **21** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

M. j.m.
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

FEE TRANSMITTAL FOR PATENT APPLICATIONS	Attorney Docket Number	3350.1000-005
	Application Number	10/750,323
	First Named Inventor	Stefan M. Pulst

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	41 - 20* =	21	x \$ 18 =	\$ 378
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	14 - 3** =	11	x \$ 86 =	\$ 946
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 290 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 770
				Total of above Calculations =	\$ 2094
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$
				TOTAL =	\$ 2094
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 130
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$ 0
				Assignment Recordation Fee = (only when filed with application)	\$ 0
				[Other]	\$ 0
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$ 2224

1. Small entity status:
 - a. A small entity statement is enclosed.
 - b. A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
 - c. Is no longer claimed.
2. A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.
3. A check is enclosed for \$2224.00. Please charge \$[] to Deposit Account No. 08-0380.
4. Other: _____

Signature	Deirdre E. Sanders	Date	July 16, 2004
Submitted by Typed or Printed Name	Deirdre E. Sanders	Reg. Number	42,122

D/cm
July 16, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stefan M. Pulst
 Application No.: 10/750,323 Group: 1634
 Filed: December 30, 2003 Examiner: Not Assigned
 Confirmation No.: 4927
 For: NUCLEIC ACID ENCODING SPINOCEBELLAR ATAXIA-2
 AND PRODUCTS RELATED THERETO



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>07/16/04</u>	<u>Kelley A. Fase</u>
Date	Signature
<u>Kelley A. Fase</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts dated May 17, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

 EXECUTED DECLARATION FOR PATENT APPLICATION*(Separate transmittal letter and postcard not required)* **POWER OF ATTORNEY DOCUMENT** Granted by Inventor(s) Granted by Assignee, including Statement under 37 C.F.R. 3.73(b)*(Separate transmittal letter and postcard not required)* **PRELIMINARY AMENDMENT***(Separate transmittal letter and postcard not required)* **FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

 Claims as originally filed The Notice to File Missing Parts states an erroneous number of claims. Claims upon entry of the Preliminary Amendment filed herewith.*(Separate transmittal letter and postcard not required)* **SURCHARGE - surcharge fee of \$130.00***(Separate transmittal letter and postcard not required)*

SEQUENCE LISTING - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

REPLACEMENT DRAWINGS - [] sheets of replacement drawings consisting of

Figs. 1 - [] are enclosed *(Separate transmittal letter and postcard not required)*

[] A Petition to Accept Color Drawings/Photographs (Fig(s). []) and a Transmittal of Replacement Drawings, with attachments, are enclosed.

(Separate check for fees and postcard required)

PETITION FOR EXTENSION OF TIME

[] Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated [] for [] month(s) from [] to []
The appropriate fee of \$[] is included in the enclosed check

[] A [] month extension of time to respond to the Notice to File Missing Parts dated [] was filed on [] with payment of a \$[] fee

[] Applicant hereby petitions for an additional [] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[] is included in the enclosed check

(Separate Petition for Extension of Time and postcard not required)

REQUEST FOR CORRECTED FILING RECEIPT - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

STATEMENT CLAIMING SMALL ENTITY STATUS

[] Was filed on []

[] Is enclosed herewith

(Separate transmittal letter and postcard not required)

[] In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[] which were paid on [] to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$2224.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders
Deirdre E. Sanders
Registration No.: 42,122
Tel.: (978) 341-0036
Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: July 16, 2004